

**Notice of Allowability**

Application No.

10/071,786

Examiner

David C. Reese

Applicant(s)

DIAZ, CARROLL

Art Unit

3677

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 5 January 2006.
2. ☒ The allowed claim(s) is/are 1-20.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some\* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |   |   |
|---|---|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)                       |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br>Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment                               |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material          | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance              |
|   | 9. <input type="checkbox"/> Other _____.  |

### **DETAILED ACTION**

This office action is in response to Applicant's amendment filed 1/5/2006.

#### ***Status of Claims***

- [1] Claims 1-20 are allowable in view of the examiner's amendment below.

#### ***Double Patenting***

- [2] In correspondence to applicant on 10/3/2005; the examiner stated that amended claims (1-20) of the instant application conflicted with claims (1-36) of Application No. 10/896756. Since this is the parent case, and the obvious double patenting rejection is the only rejection remaining in the instant application, said double patenting has been withdrawn and a terminal disclaimer is not necessary. The examiner would like to remind the applicant, however, that depending on the claim language of the child application, 10/896756, with regard to the instant case, a terminal disclaimer or other appropriate action (to 10/896756) might be necessary.

#### ***Claim Objections***

- [3] Applicant has addressed all objections to the Claims in the amendment filed 1/5/2006. Accordingly, all objections to the disclosure have been withdrawn by the Examiner.

#### ***Examiner's Amendment***

- [4] An examiner's amendment to the record appears below. Authorization for this examiner's amendment was given in a telephonic interview with on Charles Garvey, Jr. on 3/15/2006.

The examiner has amended the application as follows:

In the Claims (from the amendment filed on 1/5/2006):

Claim 4, line 9, substitute --first--, for "second";

Art Unit: 3677

Claim 5, line 10, substitute --first--, for “second”;

Claim 15, line 10, substitute --first--, for “second”;

Claim 16, line 1, change “5” to –15--;

Claim 17, line 10, change c) to read as follows: “a plate attached to the shaft at the first end portion of the body carrying a plurality of locking members, each attached to the plate;”

Claim 18, line 1, change “1” to –17--;

Claim 19, line 1, change “1” to –17--.

***Reasons for Allowance***

[5] The following is an examiner’s statement of reasons for allowance: the prior art, either alone or in combination with corresponding limitations as stated above, fails to teach or disclose of the combination of the plate being attached to and rotating with the shaft at the first end portion of the tool body; locking members being movably attached to the plate, each locking member being rotatable: 1) relative to the plate and 2) about the shaft; as well as the load transfer between the plate and the nut is via the plate, locking members, tool body and shaft.

Any comments considered necessary by Applicant must be submitted no later than the payment of the issue fee, and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled “Comments on Statement of Reasons for Allowance.”

Art Unit: 3677

***Conclusion***

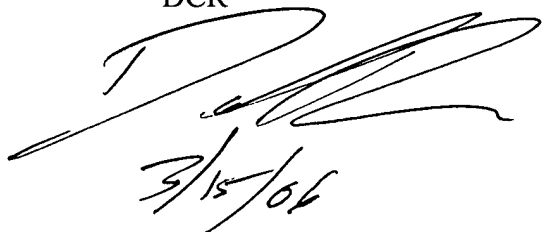
[6] Any inquiry concerning this communication or earlier communications from the examiner should be directed to David C. Reese whose telephone number is (571) 272-7082. The examiner can normally be reached on 7:30 am-6:00 pm Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J.J. Swann can be reached at (571) 272-7075. The fax number for the organization where this application or proceeding is assigned is the following: (571) 273-8300.

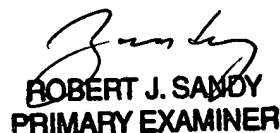
Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

David Reese  
Assistant Examiner  
Art Unit 3677

DCR



3/15/06



ROBERT J. SANDY  
PRIMARY EXAMINER